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REMARKS

AUG 31 2006

Claims 1, 3-5, 7, 9, 10, 12, 14-18 are pending.

The rejection of claims 15-18 under 35 U.S.C. 102(e) as being anticipated by Galer (2003/0213179) is respectfully traversed.

Applicant respectfully thanks the Examiner Jerry Redman for the response provided on 8/8/2006 and respectfully requests reconsideration of the rejection of claims 15-18.

Claims 15 and 16 recite a window assembly for a rear vehicle window having a rear window opening and a flange attached to a lower region of the window and being at an elevation higher relative to the bottom edge of the window opening to prevent contact between cargo extending through the opening and the bottom edge of the window opening. The flange is substantially a same length as the bottom edge of the window opening.

Galer does not describe or show a flange that is substantially a same length as the bottom edge of the opening. In viewing Fig. 2 of Galer (noting that Fig. 5 does not apply as the sliding window is a vertical sliding window and the flanges are disposed on the sides of the window opening and not parallel to the bottom edge of the opening), the flange 18 extends the not only the length of the bottom edge of the window opening but well beyond the window opening. This is clearly shown in Fig. 2 where the flange 18 extends a substantial distance across the majority of the backglass. The flange is extended far beyond the window opening so that the flange supports the glass plane when the glass pane is moved to a position adjacent the full access through the opening.

Claims 15 and 16 recite the flange being substantially a same length as the bottom edge of the window opening. To anticipate a claim under 35 U.S.C. 102(e) each and every limitation must be shown or described. The limitation of the flange being substantially a same length as the bottom edge of the opening is neither shown nor described. Since Galer fails to show or describe the limitation of the flange being substantially the same length as the

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opening in the window, Galer does not anticipate claims 15 and 16.

Therefore, claims 15 and 16 are allowable.

Moreover, in addressing any obviousness concerns (though not rejected under 35 U.S.C. 103), claims 15 and 16 would still not be obvious in light of Galer. The purpose of the flange in Galer is utilized strictly for supporting the sliding glass pane which slidingly opens and closes to provide access through the window opening. Placing a heavy object on the flange could result in damage to the flange and prevent the glass pane from sliding through the damaged section and therefore closing. The flange, as recited in claims 15 and 16, does not read on a rail for supporting the glass pane because if it were used for such a rail the sliding pane would fall from the flange as it is extended sideways to an open position since there is no underlying support for the sliding pane beyond the ends of the flange which terminate at the substantially each end of the window's opening. Since the flange of claims 15 and 16 have limitations not shown or suggested by Galer, and would not provide the functionality as the flange described in Galer (supporting the sliding window pane) and Galer would not be feasible to provide the functionality of the present invention (potential damage to the operation of the sliding glass pane support structure), Galer is not obvious in light of the claims 15 and 16.

Claim 17 depends from claim 16 and is therefore allowable.

Claim 18 recites the flange is attached to the exterior lower window. Galer states that the sliding window pane is moveably mounted to the inner surface of the fixed pane (par [0026], lines 6-9). The flange of Galer, therefore, is mounted to interior of the vehicle, and as a result, Galer does not describe or suggest the limitation of mounting the flange to the exterior of the window. Since Galer does not describe the flange mounted to the exterior of the window, Galer does not anticipate claim 18. Therefore, claim 18 is allowable.

In view of the foregoing amendment and remarks, all pending claims are

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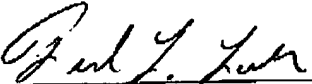
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in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

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